

Management System: Real Property Management**Subject Area: Other Interests In Real Property****Procedure: Acquiring Or Granting An Easement**

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1.0 Applicability

This procedure applies to any U.S. Department of Energy (DOE) site that has accountability for Federal property under the purview of the Office of Environmental Management Consolidated Business Center (EMCBC).

Easements, may be granted in, across, over, and upon DOE or another party's land for such purposes as roads, pipelines, temporary construction, and utility lines. As these types of agreements invest an interest in the property to the grantee, they typically are granted only when there is no conflict with the grantor's use of the property, or when the easement will benefit the grantor. Except when there is a benefit to DOE or easements are granted to state or local governments, fair market value is charged for easements. An easement may be of limited duration; however, it can be perpetual in nature, and even though an interest in the property itself is conveyed to another, the property owner may continue to use the land in the manner expressed in the easement agreement.

2.0 Required Procedure

Step 1	The Site Office receives a request from an entity or is seeking an easement.
Step 2	In coordination with the EMCBC Real Estate Contracting Officer (RECO) or Certified Realty Specialist (CRS) or Realty Specialist reviews the request from the Site Office, private entities, local state and/or other Federal agencies to acquire an easement. These may be lineal rights-of-way for such uses as roads, railroads, pipelines, and utilities, or to restrict the use of another's property by acquiring specific rights in that property. In certain instances, DOE may identify a need to use land belonging to another entity for a specific purpose, with the owner retaining title. When an easement is the appropriate instrument and

	permanent improvements will be made by the government, <i>permanent</i> rather than temporary easements must be used. Non-permanent easements are used to gain or grant short-term or defined-term access to property or rights-of-way.
Step 3	<p>The RECO/CRS/Realty Specialist makes the determination on whether the following are required:</p> <ul style="list-style-type: none"> • Coordinates with the appropriate offices to obtain the required National Environmental Policy Act (NEPA), Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and other environmental concurrences. • Additional Subject Matter Experts may be consulted as necessary to ensure that other areas are adequately covered, such as safety and security. • Requests, appraisals, and surveys, from State Licensed Appraisers and Surveyors to ensure the accuracy and completeness of the fair market value of the property, the legal description of the property and the suitability for the proposed easement. • Contacts the state historical protection officer to determine any impact on historical artifacts and sites, and to gain their concurrence.
Step 4	The RECO/CRS/Realty Specialist drafts the appropriate right of entry agreement and works in conjunction with the Office of Chief Counsel, Site Office, and other entities to ensure that all legal conditions, regulatory requirements, etc. are being followed.
Step 5	<p>The RECO/CRS/Realty Specialist:</p> <ul style="list-style-type: none"> • Submits the draft agreement to the appropriate personnel for review and comment. • Forwards the draft agreement to the requesting office for review and comment. • Works to resolve any concerns and revises the draft agreement accordingly. • Prepares the final agreement and transmits the agreement to the appropriate parties for signature. <p>Retains an original signed copy of the agreement and forwards a copy to the appropriate personnel.</p>
Step 6	The site Facilities Information Management System (FIMS) Administrator enters the easement information into the FIMS database.

3.0 References – Forms/Attachments/Exhibits – N/A

4.0 Records Generated

Records generated through implementation of this procedure are identified as follows and are maintained by the Office of Technical Support and Asset Management in accordance with the EMCBC Organizational File Plan:

Records Category Code	Records Title	Responsible Organization	QA Classification (Lifetime, Non-Permanent, or Not Applicable)
ADM 03-01-A	Real Property Files – Original Executed Easement and Supporting Documentation	Office of Technical Support and Asset Management	N/A

EMCBC RECORD OF REVISION**DOCUMENT TITLE: Acquiring or Granting an Easement**

If there are changes to the controlled document before the two-year review cycle, the revision number stays the same; one of the following will indicate the change:

I Placing a vertical black line in the left margin adjacent to sentence or paragraph that was revised; or

I Placing the words GENERAL REVISION at the beginning of the text. This statement is used when entire sections of the document are revised.

If changes and updates occur at the two-year review cycle, the revision number increases by one.

Rev. No.	Description of Changes	Revision on Pages	Date
0	Initial Document		3/10/2015